

AMENDED IN SENATE JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2486

**Introduced by Assembly Member Feuer
(Principal coauthor: Assembly Member Tran)
(Coauthors: Assembly Members Brownley, Carter, Evans, Monning,
and Nava)**

February 19, 2010

An act to amend Section 1714 of the Civil Code, relating to social host liability.

LEGISLATIVE COUNSEL’S DIGEST

AB 2486, as amended, Feuer. Social host liability: furnishing alcohol to underage persons.

Under existing law, a social host who furnishes alcoholic beverages to any person may not be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages.

~~This bill would define “social host” for purposes of these provisions. The bill also would provide that these provisions do not preclude a claim against a social host who is 21 years of age or older parent, guardian, or other adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1714 of the Civil Code is amended to read:

1714. (a) Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. The design, distribution, or marketing of firearms and ammunition is not exempt from the duty to use ordinary care and skill that is required by this section. The extent of liability in these cases is defined by the Title on Compensatory Relief.

(b) It is the intent of the Legislature to abrogate the holdings in cases such as *Vesely v. Sager* (1971) 5 Cal.3d 153, *Bernhard v. Harrah's Club* (1976) 16 Cal.3d 313, and *Coulter v. Superior Court* (1978) 21 Cal.3d 144 and to reinstate the prior judicial interpretation of this section as it relates to proximate cause for injuries incurred as a result of furnishing alcoholic beverages to an intoxicated person, namely that the furnishing of alcoholic beverages is not the proximate cause of injuries resulting from intoxication, but rather the consumption of alcoholic beverages is the proximate cause of injuries inflicted upon another by an intoxicated person.

(c) Except as provided in subdivision (d), no social host who furnishes alcoholic beverages to any person may be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any third person, resulting from the consumption of those beverages.

(d) Nothing in subdivision (c) shall preclude a claim against a social host who is 21 years of age or older parent, guardian, or other adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age.

(e) ~~For purposes of this section, "social host" means only a natural person who provides alcohol to guests at his or her residence with no motive for pecuniary gain regardless of whether any remuneration is given for the alcohol. However, a licensed or commercial vendor of alcohol, or any person required to obtain a~~

- 1 ~~license or permit to provide alcohol for a social function, is not a~~
- 2 ~~social host for purposes of this section.~~

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